

- SUBJECT:** Permitting historical reenactments on premises selling alcohol
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 8 ayes — Wilson, Yarbrough, Flores, Goolsby, Haggerty, D. Jones, J. Moreno, Wise
- 0 nays
- 1 absent — A. Reyna
- WITNESSES:** For — Jerry Peterson, Houston Gun Collectors Association, Houston Safari Club
- Against — None
- BACKGROUND:** Under current law, persons participating in historical reenactments, such as Civil War reenactments or Old West reenactments, are not allowed to possess weapons of the time period on the premises of the holder of an alcoholic beverage license (which allows the holder to serve beer) or permit (which allows the holder to serve liquor) holder. The premises of a licensee or permit holder include the parking lot, if it is a stand-alone facility.
- DIGEST:** CSHB 492 would amend the Alcoholic Beverage Code to require the Texas Alcoholic Beverage Commission (TABC) to adopt rules allowing an historical reenactment on the premises of an alcoholic beverage permit or license holder.
- The bill also would amend Penal Code secs. 46.035 and 46.15 outlining the offense of unlawful carrying of a handgun and the nonapplicability provision that excludes certain individuals from liability for carrying illegal weapons or carrying a weapon in a place where it is prohibited. The bill would specify that these provisions would not apply to an historical reenactment performed in compliance with TABC rules. TABC would have to adopt rules not later than January 1, 2002.

The bill would take effect September 1, 2001, and would apply only to an offense committed on or after the effective date of this bill. An offense would be committed before the effective date of this bill if any element of the offense occurred before that date.

**SUPPORTERS  
SAY:**

CSHB 492 is needed to support the growing tourism attraction of historical reenactments, performances based on research which approximate or attempt to re-create historical events. Reenactments usually are from three eras: Medieval, Civil War, and the "Old West" (1866-1900). The Tombstone, Arizona "shoot out" in the OK Corral drew 3.5 million tourists last year; Rawhide, Arizona, a fabricated Old West town, drew 6 million tourists. Texas also benefits from the popularity of reenactments. Last year the Six Guns and Shady Ladies, a 43-member group in El Paso, performed 41 times for groups including Ronald McDonald House and El Paso Parks and Recreation.

In order to present an authentic reenactment, actors must be able to use weapons of the era being represented. Reenactors not only research the characters they portray, including the characters' clothing, attitude, and behavior, but also the props they use. Weapons technology changed a great deal after the Civil War, including more automation. Old West reenactors use weapons such as the Winchester Model 82, Colt single action 44, and Smith and Wesson double action 45. Responsible reenactors emphasize gun safety and stress to children that they should alert an adult if they find a bullet instead of picking it up. Reenactors use "Hollywood" blanks, which are made by the same companies that manufacture fake ammunition for the motion picture industry. These groups do not present a threat to safety.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The committee substitute would exclude historical reenactments performed in compliance with TABC rules from liability for unlawful carrying of a handgun by a license holder. The substitute also removed provisions that would have required TABC to adopt rules ensuring that an historical reenactment did not involve a weapons violation.